

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the previous amendments and the following remarks. The present amendment cancels Claims 87-115 and presents new Claims 145-171 which read on the elected species. Of the new claims, Claims 145, 151, 157 and 165 are independent. Claims 63-86 and 116-171 are now pending, with Claims 64-72, 74-86 and 116-144 being withdrawn from consideration.

The above-discussed claim amendments address the issues raised in sections "2", "3", "5" and "7" of the Official Action. With respect to the issue raised in section "6" of the Official Action, Applicants respectfully submit that the paragraph bridging pages 58 and 59 of the specification discusses exemplary embodiments of control of the surface free energy of a surface of a collector body to be higher than that of used liquid fuel. Withdrawal of the claim objections and rejections under 35 U.S.C. § 112, second paragraph is therefore respectfully requested.

Before turning to the prior art rejections, a brief discussion of aspects of fuel cells according to the specification is provided. As illustrated in Figs. 15 to 26, a used fuel storing tank 40 can be separate from a fuel storing tank 10. As discussed in lines 1-3 of page 83 and as illustrated in Figs. 15 and 16, a used fuel occlusion body 41 can be disposed inside the used fuel storing tank 40 in contact with a lower part of a feed 40a. Used fuel can therefore be totally occluded into the used fuel occlusion body 41. As illustrated in Fig. 25, a cover 42 can be openable so that the used fuel occlusion body 41 can be taken in and out from the used fuel storing tank 40. As discussed in lines 6-7 on page 108 and as illustrated in Fig. 27, the used fuel occlusion body 41 can have a fin shape.

Turning now to the prior art rejections, Claim 63 is rejected as being anticipated by U.S. Patent No. 6,506,513, hereinafter Yonetsu.

Claim 63 recites a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel electrode body and constructing an air electrode layer on the electrolyte layer are connected and in which a fuel supplying member connected with a fuel storing tank for storing a liquid fuel and having a penetrating structure or the fuel electrode body is connected with the respective unit cells to supply the liquid fuel, wherein a liquid fuel occlusion body comprising a porous body or a fiber bundle having capillary force is accommodated in the liquid fuel storing tank.

Yonetsu discloses a liquid fuel tank 1 wherein a liquid fuel permeating material 8 is arranged within the liquid fuel tank 1. The Official Action appears to take one of two positions-- that the liquid fuel permeating material 8 constitutes a fuel supplying member, or that the liquid fuel permeating material 8 constitutes a liquid fuel occlusion member. In the event the grounds for rejection is maintained, it is respectfully requested that clarification regarding the above point be provided.

In any event, Yonetsu does not disclose a fuel cell including both a fuel supplying member and a liquid fuel occlusion body as recited in Claim 63. Withdrawal of the rejection of Claim 63 based on Yonetsu is therefore respectfully requested.

Claim 63 is also rejected as being anticipated by U.S. Patent No. 5,364,711, hereinafter Yamada.

Yamada discloses a cartridge 33 having a water-storing space 41 filled with a porous material. The Official Action appears to take one of two positions-- that the

water-storing space 41 constitutes a fuel supplying member, or that the water-storing space 41 constitutes a liquid fuel occlusion member. In the event the grounds for rejection is maintained, it is respectfully requested that clarification regarding the above point be provided.

In any event, Yamada does not disclose a fuel cell including both a fuel supplying member and a liquid fuel occlusion body as recited in Claim 63. Withdrawal of the rejection of Claim 63 based on Yamada is therefore respectfully requested.

New Claim 145 recites a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel electrode body and constructing an air electrode layer on the electrolyte layer are connected, in which a fuel supplying member connected with a liquid fuel storing tank for storing a liquid fuel and having a penetrating structure or the fuel electrode body is connected with the respective unit cells to supply the liquid fuel and in which an end of the fuel supplying member is connected with a used fuel storing tank which is separate from the liquid fuel storing tank, wherein the used liquid fuel storing tank is provided with a feed comprising a porous body or a fiber bundle having capillary force and a used fuel occlusion body comprising a porous body or a fiber bundle having capillary force so that the occlusion body is brought into contact with the feed to discharge a used fuel totally to the used fuel occlusion body via the feed, and the used fuel storing tank is hermetically closed except a part of a discharge port via the feed. Claim 145 is allowable over the disclosures in Yonetsu and Yamada for reasons consistent with the above discussion of Claim 63, and for additional reasons.

For example, neither Yamada nor Yonetsu disclose a fuel cell including a used fuel storing tank which is separate from a liquid fuel storing tank, in combination with the other elements recited in the claim. Specifically, in the Fig. 23 embodiment of Yamada relied upon by the Official Action, fuel in a fuel cartridge is supplied to a fuel cell and used fuel is introduced into a water-storing space by controlled capillary force. However, the fuel storing space 40 and the water-storing space 41 are designed to contact each other and are therefore not separate. Moreover, Yonetsu does not disclose a used fuel storing tank at all.

Claim 145 is therefore allowable over Yonetsu and Yamada.

New Claim 151 recites a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel electrode body and constructing an air electrode layer on the electrolyte layer are connected, in which a fuel supplying member connected with a liquid fuel storing tank for storing a liquid fuel and having a penetrating structure or the fuel electrode body is connected with the respective unit cells to supply the liquid fuel and in which an end of the fuel supplying member is connected with a used fuel storing tank which is separate from the liquid fuel storing tank, wherein the used liquid fuel storing tank is provided with a feed comprising a porous body or a fiber bundle having capillary force and a collector body to discharge a used fuel to the used fuel storing tank via the feed, and the used fuel storing tank is hermetically closed except a part of a discharge port via the feed.

New Claim 151 is allowable over Yonetsu and Yamada for reasons consistent with the above discussions of Claims 63 and 145.

New Claim 157 recites a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel electrode body and constructing

an air electrode layer on the electrolyte layer are connected, in which a fuel supplying member connected with a liquid fuel storing tank for storing a liquid fuel and having a penetrating structure or the fuel electrode body is connected with the respective unit cells to supply the liquid fuel and in which an end of the fuel supplying member is connected with a used fuel storing tank which is separate from the liquid fuel storing tank, wherein the used liquid fuel storing tank is provided with a feed comprising a porous body or a fiber bundle having capillary force and a used fuel occlusion body comprising a porous body or a fiber bundle having capillary force so that the occlusion body is brought into contact with the feed to discharge a used fuel totally to the used fuel occlusion body via the feed, and the used fuel storing tank is open.

New Claim 157 is allowable over Yonetsu and Yamada for reasons consistent with the above discussions of Claims 63 and 145.

New Claim 165 recites a fuel cell in which plural unit cells each of which is formed by constructing an electrolyte layer on a fuel electrode body and constructing an air electrode layer on the electrolyte layer are connected, in which a fuel supplying member connected with a liquid fuel storing tank for storing a liquid fuel and having a penetrating structure or the fuel electrode body is connected with the respective unit cells to supply the liquid fuel and in which an end of the fuel supplying member is connected with a used fuel storing tank which is separate from the liquid fuel storing tank, wherein the used liquid fuel storing tank is provided with a feed comprising a porous body or a fiber bundle having capillary force and a collector body to discharge a used fuel to the used fuel storing tank via the feed, and the used fuel storing tank is open.

New Claim 165 is allowable over Yonetsu and Yamada for reasons consistent with the above discussions of Claims 63 and 145.

The dependent claims are allowable at least by virtue of their dependence from allowable independent claims. Thus, a detailed discussion of the additional distinguishing features recited in the dependent claims is not set forth at this time.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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